

Executive Summary – Enforcement Matter – Case No. 43472
Maverick County
RN101253565
Docket No. 2012-0285-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Maverick County Airport Water Works, 11 miles north of Eagle Pass on Highway 277,
Maverick County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 23, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$742

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$742

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RN101253565
Docket No. 2012-0285-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 2, 2011 and January 3, 2012

Date(s) of NOE(s): January 12, 2012

Violation Information

1. Failed to maintain the disinfectant residual concentration of at least 0.5 milligrams per liter ("mg/L") chloramine in the water throughout the distribution system [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].
2. Failed to have at least one Class "C" or higher surface water operator on duty at the Facility when it is in operation or provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed [30 TEX. ADMIN. CODE § 290.46(e)(6)(C) and TEX. HEALTH & SAFETY CODE § 341.033(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, begin operating the disinfectant equipment to maintain a minimum disinfectant residual of 0.5 mg/L chloramine residual at all times;
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.;
- c. Within 60 days, have a water works operator who holds a minimum of a Class "C" surface water license on duty at all times when the Facility is in operation or provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators when the Facility is not staffed; and
- d. Within 90 days, submit written certification demonstrating compliance with Ordering Provision c.

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Maverick County
RN101253565
Docket No. 2012-0285-PWS-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division,
Enforcement Team 2, MC R-14, (361) 825-3425; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: The Honorable David R. Saucedo, Maverick County Judge, Maverick
County, 500 Quarry Street, Suite 3, Eagle Pass, Texas 78852
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 17-Jan-2012 | Screening | 24-Jan-2012 | EPA Due | |
| | PCW | 1-Feb-2012 | | | | |

RESPONDENT/FACILITY INFORMATION

| | |
|-----------------------------|-----------------|
| Respondent | Maverick County |
| Reg. Ent. Ref. No. | RN101253565 |
| Facility/Site Region | 16-Laredo |
| Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|---------------------|------------------------------|--------------------|
| Enf./Case ID No. | 43472 | No. of Violations | 2 |
| Docket No. | 2012-0285-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Bridgett Lee |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$350

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **112.0%** Enhancement **Subtotals 2, 3, & 7** \$392

Notes: Enhancement for eight NOV's with same/similar violations, eleven NOV's with dissimilar violations, and two final agreed orders without a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$311
Approx. Cost of Compliance \$1,700
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$742

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$742

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$742

DEFERRAL **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$742

Screening Date 24-Jan-2012

Docket No. 2012-0285-PWS-E

PCW

Respondent Maverick County

Policy Revision 2 (September 2002)

Case ID No. 43472

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101253565

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 8 | 40% |
| | Other written NOVs | 11 | 22% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2 | 50% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 112%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight NOVs with same/similar violations, eleven NOVs with dissimilar violations, and two final agreed orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 112%

Screening Date 24-Jan-2012

Docket No. 2012-0285-PWS-E

PCW

Respondent Maverick County

Policy Revision 2 (September 2002)

Case ID No. 43472

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101253565

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4)

Violation Description

Failed to maintain a disinfectant residual concentration of at least 0.5 milligrams per liter ("mg/L") chloramine in the water throughout the distribution system. Specifically, at the time of the investigation it was documented that chloramine levels were 0.02 mg/L at Quemado Avenue and 0.04 mg/L at the Quemado elevated storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | x | |

Percent 10%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Failure to maintain adequate disinfectant residual could result in customers of the Facility being exposed to significant amounts of contaminants, which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the January 3, 2012 record review date to the January 24, 2012 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$248

Violation Final Penalty Total \$212

This violation Final Assessed Penalty (adjusted for limits) \$212

Economic Benefit Worksheet

Respondent Maverick County
Case ID No. 43472
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 2-Jun-2011 | 30-Sep-2012 | 1.33 | \$33 | n/a | \$33 |

Notes for DELAYED costs

The delayed cost includes the estimated amount for additional oversight and maintenance or installation of a chlorine booster to ensure disinfectant equipment is operating properly and to maintain adequate chloramine residuals, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|-------|------------|------------|------|------|-------|-------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$200 | 2-Jun-2011 | 3-Jan-2012 | 1.51 | \$15 | \$200 | \$215 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight and maintenance to ensure disinfection equipment is operating properly and to maintain adequate chloramine residuals, calculated from the investigation date to the record review date.

Approx. Cost of Compliance

\$700

TOTAL

\$248

Screening Date 24-Jan-2012

Docket No. 2012-0285-PWS-E

PCW

Respondent Maverick County

Policy Revision 2 (September 2002)

Case ID No. 43472

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101253565

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(6)(C) and Tex. Health & Safety Code § 341.033(a)

Violation Description

Failed to have at least one Class "C" or higher surface water operator on duty at the Facility when it is in operation or provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed. Specifically, at the time of the investigation, it was documented that operators would leave the plant unattended when working in the distribution system and the operator was unaware of any alarm set points and the automatic shutdown features were not operational.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Major | Harm Moderate | Minor |
|-----------|-------|------------------|-------|
| Actual | | | |
| Potential | x | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix
Notes

Failure to continuously operate the Facility under the direct supervision of an appropriately licensed water works operator may result in poor plant operation and expose customers to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$250

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$530

This violation Final Assessed Penalty (adjusted for limits) \$530

Economic Benefit Worksheet

Respondent Maverick County
Case ID No. 43472
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,000 | 2-Jun-2011 | 31-Aug-2012 | 1.25 | \$62 | n/a | \$62 |

Notes for DELAYED costs

The estimated cost includes the amount to evaluate and repair automatic shutdown features and alarms, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$62

Compliance History Report

Customer/Respondent/Owner-Operator: CN600640015 Maverick County Classification: AVERAGE Rating: 10.09

Regulated Entity: RN101253565 MAVERICK COUNTY AIRPORT Classification: Site Rating:
WATER WORKS

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1620003
WATER LICENSING LICENSE

Location: HWY 277 11MI NORTH OF EAGLE PASS, EAGLE PASS,
TX, 78852

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: April 17, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 23, 2007 to January 23, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bridgett Lee Phone: (512) 239 - 2565

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/05/2007

ADMINORDER 2006-1129-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average.

Effective Date: 08/23/2009

ADMINORDER 2009-0197-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the September 2007 SWMOR to the Commission in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the October 2007 SWMOR to the Commission in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the November 2007 SWMOR to the Commission in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the December 2007 SWMOR to the Commission in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual of 0.5 mg/L chloramine in the water entering the distribution system. Specifically, there were nine days in December 2007 in which the water system reported that the water entering the distribution system had low disinfectant residual readings for more than four consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the January 2008 SWMOR to the Commission in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during December 2007 and January 2008 the water system reported that 45.2% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual of 0.5 mg/L chloramine in the water entering the distribution system. Specifically, there were four days in February 2008 in which the water system reported that the water entering the distribution system had low disinfectant residual readings for more than four consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during January 2008, the water system reported that 45.2% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine, and during February 2008 the percentage rose to 48.3%.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during February 2008, the water system reported that 48.3% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine, and during March 2008 the percentage reported was 45.2%.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual of 0.5 mg/L chloramine in the water entering the distribution system. Specifically, there were six days in March 2008 in which the water system reported that the water entering the distribution system had low disinfectant residual readings for more than four consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during March 2008, the water system reported that 45.2% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine, and during April 2008 the percentage rose to 46.7%.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 21 21.4
30 TAC Chapter 285, SubChapter C 285.21(b)
30 TAC Chapter 290, SubChapter E 290.51

Description: Failure to pay all fees to the Commission in a timely manner. Specifically, a record review conducted on February 4, 2009, revealed that Maverick County has outstanding On-Site Wastewater Treatment Research Council ("WTR"), Consolidated Water Quality ("CWQ"), and Public Health Service ("PHS") annual and late fees for TCEQ Financial Administration Account Nos. 0620138, 23004462, and 91620003.

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|----|------------|----------|
| 1 | 01/10/2008 | (614139) |
| 2 | 02/08/2008 | (652180) |
| 3 | 05/18/2007 | (652349) |
| 4 | 08/10/2007 | (652726) |
| 5 | 11/15/2007 | (653107) |
| 6 | 07/08/2008 | (685134) |
| 7 | 06/26/2009 | (706432) |
| 8 | 12/12/2008 | (707728) |
| 9 | 12/08/2008 | (709294) |
| 10 | 12/15/2008 | (710047) |
| 11 | 12/15/2008 | (710076) |
| 12 | 12/15/2008 | (710164) |
| 13 | 01/26/2009 | (710194) |
| 14 | 12/15/2008 | (710260) |
| 15 | 12/15/2008 | (721203) |
| 16 | 12/15/2008 | (721221) |
| 17 | 12/15/2008 | (721250) |
| 18 | 01/08/2009 | (721823) |
| 19 | 07/29/2009 | (762603) |
| 20 | 11/20/2009 | (781213) |
| 21 | 02/21/2011 | (899172) |
| 22 | 04/11/2011 | (912261) |
| 23 | 10/10/2011 | (959167) |
| 24 | 01/12/2012 | (980852) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/18/2007 (652349) CN600640015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 08/10/2007 (652726) CN600640015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 11/14/2007 (707728) CN600640015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(3)
Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the September 2007 SWMOR to the Commission in a timely manner.

Date: 11/15/2007 (653107) CN600640015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 11/26/2007 (709294) CN600640015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(3)
Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the October 2007 SWMOR to the Commission in a timely manner.

Date: 12/27/2007 (710047) CN600640015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(3)
Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the November 2007 SWMOR to the Commission in a timely manner.

Date: 01/14/2008 (614139) CN600640015
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
Description: Failure to properly calibrate laboratory equipment.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain a chloramine residual of 0.5 mg/L in each storage tank and throughout the distribution system at all times.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)
Description: Failure to obtain TCEQ approval for tracer study data for the new surface water treatment plant.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)

Description: Failure to obtain exceptions to use disinfectants other than chlorine.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan and submit to the TCEQ for approval.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)

Description: Failure to use a direct additive certified ANSI/NSF Standard 60 used in the treatment of water.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)

Description: Failure to submit or maintain the Recycling Practices Report form related to site-specific recycle practices for the treatment plant.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to conduct the required test by a certified backflow prevention assembly tester on the backflow prevention device located on the chemical make-up water line upon installation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failure to designate a restricted zone of 200 feet radius from the raw water intake prohibiting recreational activities and trespassing within the area.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)

Description: Failure to label every chemical bulk storage and day tank to identify the contents and provide a device to indicate the amount of chemical remaining in the tank.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(F)

Description: Failure to provide both pretreatment disinfection and post-disinfection in the surface water plant.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failure to post a legible sign with the water system's name and emergency telephone number at each of the production, treatment, and storage facilities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to design overflows in strict accordance with current AWWA standards.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)(A)

Description: Failure for plants built or repainted after 10/01/2000 to use the required color code to label pipes.

Date: 01/31/2008 (710076) CN600640015
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the December 2007 SWMOR to the Commission in a timely manner.

Date: 02/08/2008 (652180) CN600640015
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES

Date: 03/03/2008 (710260) CN600640015
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failure to submit the surface water monthly operating report (SWMOR) to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the respondent failed to submit the January 2008 SWMOR to the Commission in a timely manner.

Date: 04/04/2008 (721203) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual of 0.5 mg/L chloramine in the water entering the distribution system. Specifically, there were four days in February 2008 in which the water system reported that the water entering the distribution system had low disinfectant residual readings for more than four consecutive hours.

Date: 04/14/2008 (721203) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during January 2008, the water system reported that 45.2% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine, and during February 2008 the percentage rose to 48.3%.

Date: 04/14/2008 (721221) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during February 2008, the water system reported that 48.3% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine, and during March 2008 the percentage reported was 45.2%.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual of 0.5 mg/L chloramine in the water entering the distribution system. Specifically, there were six days in March 2008 in which the water system reported that the water entering the distribution system had low disinfectant residual readings for more than four consecutive hours.

Date: 04/14/2008 (710164) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual of 0.5 mg/L chloramine in the water entering the distribution system. Specifically, there were nine days in December 2007 in which the water system reported that the water entering the distribution system had low disinfectant residual readings for more than four consecutive hours.

Date: 04/14/2008 (710260) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during December 2007 and January 2008 the water system reported that 45.2% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine.

Date: 06/23/2008 (721250) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum disinfectant residual concentration of 0.5 mg/L chloramine throughout the distribution system. Specifically, during March 2008, the water system reported that 45.2% of the disinfectant residual readings in the distribution system were below the required minimum disinfectant residual concentration of 0.5 mg/L chloramine, and during April 2008 the percentage rose to 46.7%.

Date: 01/27/2009 (710194) CN600640015

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)

Description: Failure to properly calibrate laboratory equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)

Description: Failure to label every chemical bulk storage and day tank to identify the contents and provide a device to indicate the amount of chemical remaining in the tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to conduct annual inspections on all water storage tanks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to provide a flow measuring device for treated water used to backwash the filters.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failure to provide secondary containment for all chemical storage tanks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(3)

Description: Failure to submit the Chlorine Dioxide Monthly Operation Report (MOR).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)

Description: Failure to comply with the guidelines as listed in the exception letter which granted approval to use ammonia and chlorine dioxide.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)(A)

Description: Failure to monitor the residual, pH, temperature, and flow at the end of each disinfection zone daily when peak hourly raw water flow rates are occurring.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)

Description: Failure to properly complete and submit the Surface Water Monthly Operating Report (SWMOR).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failure to maintain copies of distribution residual monitoring for at least three years.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an up-to-date monitoring plan.

Date: 02/22/2011 (899172) CN600640015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)

Description: Failure to abide by exception to use chloramines granted 12/21/2007; specifically no free ammonia monitoring is conducted with the monthly distribution coliform sample.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)
Description: Failure to submit/maintain copy of Recycling Practices Report.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)(A)
Description: Failure to collect the disinfectant residual, pH, temperature, and flow rate at each disinfection zone during peak hourly flow.

Date: 07/13/2011 (937407)

CN600640015

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
Description: Failure to maintain a minimum total chlorine residual of 0.5 mg/L throughout the distribution at all times.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
Description: Failure to maintain records of distribution chlorine monitoring.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to properly complete Monthly Operating Reports.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)
Description: Failure to have at least one Class C or higher surface water operator on duty at the plant when it is in operation or to provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet drinking water standards when the plant is not staffed.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
Description: Failure to employ a full-time Class B or higher surface water operator or a part-time Class B or higher surface water operator who spends at least four consecutive hours at the plant at least once every 14 days.

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MAVERICK COUNTY
RN101253565**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0285-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Maverick County ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply 11 miles north of Eagle Pass on Highway 277, Maverick County, Texas (the "Facility") that has approximately 257 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on June 2, 2011 and a record review conducted January 3, 2012, TCEQ staff documented that chloramine levels were 0.02 milligrams per liter ("mg/L") at Quemado Avenue and 0.04 mg/L at the Quemado elevated storage tank.
3. During an investigation conducted on June 2, 2011 and a record review conducted January 3, 2012, TCEQ staff documented that operators would leave the plant unattended when working in the distribution system and the operator was unaware of any alarm set points and the automatic shutdown features were not operational.
4. The Respondent received notice of the violations on January 15, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to maintain the disinfectant residual concentration of at least 0.5 mg/L chloramine in the water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to have at least one Class "C" or higher surface water operator on duty at the Facility when it is in operation or provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(C) and TEX. HEALTH & SAFETY CODE § 341.033(a).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Seven Hundred Forty-Two Dollars (\$742) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Seven Hundred Forty-Two Dollar (\$742) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seven Hundred Forty-Two Dollars (\$742) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Maverick County, Docket No. 2012-0285-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, begin operating the disinfectant equipment to maintain a minimum disinfectant residual of 0.5 mg/L chloramine residual at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language.
 - c. Within 60 days after the effective date of this Agreed Order, have a water works operator who holds a minimum of a Class "C" surface water license on duty at all times when the Facility is in operation or provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators when the Facility is not staffed, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 90 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Maverick County
DOCKET NO. 2012-0285-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/8/13
Date

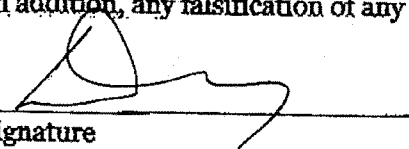
I, the undersigned, have read and understand the attached Agreed Order in the matter of Maverick County. I am authorized to agree to the attached Agreed Order on behalf of Maverick County, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Maverick County waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

10-09-12
Date

DAVID R. SAURIDO
Name (Printed or typed)
Authorized Representative of
Maverick County

Maverick County Judge
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.